

ZIMMER AND ZIMMER, L.L.P.
ATTORNEYS AT LAW
111 PRINCESS STREET
WILMINGTON, NORTH CAROLINA 28401-3997
TELEPHONE (910) 763-4669
TELECOPIER (910) 762-1999

TTAB

HERBERT J. ZIMMER
JEFFREY L. ZIMMER (RETIRED)

MAILING ADDRESS
POST OFFICE BOX 2628
WILMINGTON, NORTH CAROLINA 28402

September 5, 2006

United States Patent and Trademark Office
Trademark Trial and Appeal Board
Post Office Box 1451
Box TTAB
Alexandria, Virginia 22313-1451

RE: Reeds Jewelers, Inc. vs Dean & Reed Concepts, LLC
Opposition Number: 91171621
Mark: Dean & Reed's Diamond Series
Serial Number: 78527669

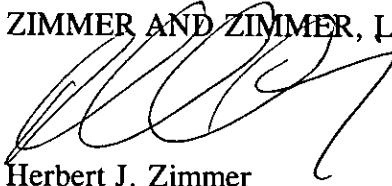
Dear Sir:

Please find enclosed herewith a Motion by Reeds Jewelers, Inc., Opposer, for Entry of an Order of Default Judgment Against Applicant, Dean & Reed Concepts, LLC, for Failure to Timely File an Answer. I would greatly appreciate your filing this document.

Thank you very much for your assistance in connection with this request.

Very truly yours,

ZIMMER AND ZIMMER, L.L.P.



Herbert J. Zimmer

HJZ/dld

Enclosure

09-08-2006

United States Patent and Trademark Office
Trademark Trial and Appeal Board
Page Two
September 5, 2006

cc: Daniel L. Boots, Esquire,
Attorney for Applicant,
Dean & Reed Concepts, LLC
BINGHAM McHALE, LLP
Attorneys at Law
2700 Market Twr 10 W Market Street
Indianapolis, Indiana 46204

Mr. Michael D. Garver
Dean & Reed Concepts, LLC
12397 River Valley Drive
Fishers, Indiana 46038

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

REEDS JEWELERS, INC.,)	
)	
Opposer,)	Opposition No.: 91171621
)	Application Serial No.: 78527669
vs.)	
)	Application Date: 12/06/2004
DEAN & REED CONCEPTS, LLC,)	Mark: DEAN & REED'S DIAMOND SERIES
)	
Applicant.)	

**MOTION BY REEDS JEWELERS, INC., OPPOSER, FOR ENTRY OF AN ORDER OF
DEFAULT JUDGMENT AGAINST APPLICANT, DEAN & REED CONCEPTS, LLC,
FOR FAILURE TO TIMELY FILE AN ANSWER**

NOW COMES Reeds Jewelers, Inc., Opposer, and respectfully moves the Trademark Trial and Appeal Board pursuant to Rule 55 of the Federal Rules of Civil Procedure for entry of an Order of Default Judgment against Dean & Reed Concepts, LLC, Applicant, for failure to timely file an answer or other responsive pleading, and respectfully shows unto the Court the following:

1. That Reeds Jewelers, Inc., Opposer, filed a Notice of Opposition dated June 29, 2006 and filed June 29, 2006 with the United States Patent and Trademark Office before the Trademark Trial and Appeal Board.

2. That notice of discovery and testimony periods, as well as the date an answer or other responsive pleading was due, was dated June 29, 2006, and was mailed to Daniel L. Boots, counsel for Dean & Reed Concepts, LLC, Applicant, and Herbert Zimmer, counsel for Reeds Jewelers, Inc., Opposer, by the United States Patent and Trademark Office, Trademark Trial and Appeal Board.

3. That neither Reeds Jewelers, Inc., Opposer, nor its counsel, Herbert J. Zimmer, received an answer or other responsive pleading, as required by applicable Rules of Civil Procedure and the terms of the notice from the United States Patent and Trademark Office, Trademark Trial and Appeal Board dated June 29, 2006.

4. That the time for Dean & Reed Concepts, LLC, Applicant, to file an answer or other responsive pleading has expired.

5. That Reeds Jewelers, Inc., Opposer, is entitled to entry of an Order of Default Judgment against Dean & Reed Concepts, LLC, Applicant, for failure to timely file an answer or other responsive pleading.

6. That Reeds Jewelers, Inc., Opposer, respectfully requests that this verified motion be received as an affidavit.

WHEREFORE, Reeds Jewelers, Inc., Opposer, respectfully moves the Court:

1. For entry of an Order of Default Judgment against Dean & Reed Concepts, LLC, Applicant.

2. For such other and further relief as this Court may deem just and proper.

RESPECTFULLY submitted this 5th day of September, 2006.

Respectfully submitted on behalf of:
REEDS JEWELERS, INC.

By: 

Herbert J. Zimmer, Esquire
Attorney for Opposer,
Reeds Jewelers, Inc.
ZIMMER AND ZIMMER, L.L.P.
Attorneys at Law
111 Princess Street
Post Office Box 2628
Wilmington, North Carolina 28402
Telephone: (910) 763-4669 x 202
Facsimile: (910) 762-1999
E-mail: HerbertZimmer@zdc.com

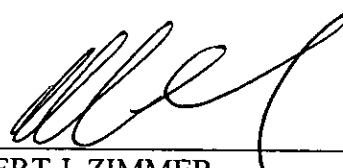
CERTIFICATE OF SERVICE

The undersigned does hereby certify that he has this day served upon the Applicant, Dean & Reed Concepts, LLC, a copy of the foregoing Motion by Reeds Jewelers, Inc., Opposer, for an Order of Default Judgment against Applicant, Dean & Reed Concepts, LLC, for Failure to File an Answer, by depositing a copy thereof in the U.S. Mail, postage prepaid and properly addressed to the following:

Daniel L. Boots, Esquire,
Attorney for Applicant,
Dean & Reed Concepts, LLC
BINGHAM McHALE, LLP
Attorneys at Law
2700 Market Twr 10 W Market Street
Indianapolis, Indiana 46204

Mr. Michael D. Garver
Dean & Reed Concepts, LLC
12397 River Valley Drive
Fishers, Indiana 46038

This the 5th day of September, 2006.



HERBERT J. ZIMMER
N.C. State Bar Number: 4912
Attorney for Opposer,
Reeds Jewelers, Inc.
ZIMMER AND ZIMMER, L.L.P.
Attorneys At Law
Post Office Box 2628
111 Princess Street
Wilmington, North Carolina 28402
Telephone: (910) 763-4669
Facsimile: (910) 762-1999
E-mail: HerbertZimmer@zdc.com